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PTO/SB/21 (04-07)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/737,389
Filing Date	December 16, 2003
First Named Inventor	En-Yi Liao
Art Unit	2141
Examiner Name	Serrao, Ranodhi N
Attorney Docket Number	10033.000400
Total Number of Pages in This Submission	4

### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Notice of Appeal and PTO Form SB-31; Return Receipt Postcard
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### Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	OKAMOTO & BENEDICTO LLP		
Signature			
Printed Name	Patrick D. Benedicto		
Date	May 9, 2007	Reg. No.	40,909

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature		Date	May 9, 2007
Typed or printed name	Patrick D. Benedicto		

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Docket No. 10033.000400

Notice of Appeal

May 9, 2007



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

En-Yi Liao

Application No.: 10/737,389

Examiner: Serrao, Ranodhi N

Filing Date: December 16, 2003

Art Unit: 2141

Assignee: Trend Micro Incorporated

Title: Technique for Intercepting Data in a Peer-to-Peer Network

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Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL**

Sir:

Submitted herewith is a notice of appeal. This is the second notice of appeal filed on this application. The first notice of appeal was filed by Applicant on February 15, 2006. The Board of Patent Appeals and Interferences ("Board") did not render a decision on the case from the first notice of appeal.

Applicant believes that he is entitled to the notice of appeal fee paid on February 15, 2006 because the Board did not render a decision from the first notice of appeal. Therefore, Applicant believes that a notice of appeal fee is not required for this second appeal brief.

If for any reasons additional fees are required, the Commissioner is hereby authorized to charge the insufficiency to Deposit Account No. 50-2427.

Docket No. 10033.000400

Notice of Appeal

May 9, 2007

Respectfully submitted,

En-Yi Liao

Dated: May 9, 2007

*Patrick D. Benedicto*

Patrick D. Benedicto; Reg. No. 40,909

Okamoto & Benedicto LLP

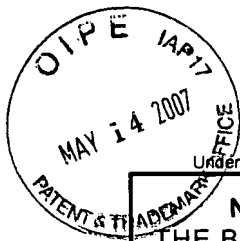
P.O. Box 641330

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Signature:	<i>Patrick D. Benedicto</i>		
Typed or Printed Name:	Patrick D. Benedicto	Dated:	5/9/2007
Express Mail Mailing Number (optional):			



**NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)  
10033.000400

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Signature \_\_\_\_\_

Typed or printed  
name Patrick D. Benedicto

In re Application of  
En-Yi Liao

Application Number  
10/737,389

Filed  
12/16/2003

For Technique for Intercepting Data in a Peer-to-Peer Network

Art Unit  
2141

Examiner  
Serrao, Ranodhi N.

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ \_\_\_\_\_

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ \_\_\_\_\_

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.  
I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-2427. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒ attorney or agent of record.

Registration number 40,909.

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

*Patrick D. Benedicto*

Signature

Patrick D. Benedicto

Typed or printed name

(408) 436-2110

Telephone number

May 9, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 form is submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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